(3)

% 10.12.2007

Present: Mr.Y.R. Sharma for the appellant.
Mr. Manoj Yadav for the respondent.

+ MAT APP. No. 71/2007

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This appeal arises out of the order dated 27.8.2007 passed by the Additional Distt. Judge under Section 24 of the Hindu Marriage Act, thereby allowing maintenance of Rs.1500/- per month from the date of filing of the application and litigation expenses of Rs.5,000/-. The grievance of the appellant in the present appeal is that the Tribunal has not relied upon the latest pay slip placed on record by the respondent husband which clearly goes to show that the respondent husband was drawing monthly salary of Rs.8777/-. The appellant is also aggrieved with the finding of the trial court holding that the appellant being graduate can well maintain herself.

Counsel for the appellant has drawn my attention to the copy of the salary slip placed on record at page 48 of the paper book. The said pay slip clearly discloses that the appellant was drawing net salary of Rs.8279/- while his gross salary was Rs.8777/- per month. The said pay slip pertains to the month of July 2007. There are very small deductions towards the provident fund, CGHS etc.

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Certify that the digital file and physical file have been compared and the digital data is as per the physical file and no page is missing.

The contention of the counsel for the appellant is that by any reasonable standard, the appellant is entitled to at least half of the compensation amount to maintain herself as per the status and living standards of the respondent husband.

Per contra, Mr. Manoj Yadav counsel for the respondent seriously refutes the contentions of the counsel for the appellant. Counsel for the respondent submits that the impugned order does not call for any variation or modification as already the Matrimonial Court has passed just and reasonable order. Counsel also contends that besides himself the mother of the respondent is also dependent upon him. Counsel also contends that the appellant is deliberately suppressing her income from the tuition work.

I have heard learned counsel for the parties and have perused the record also.

The salary slip for the month of July 2007 shows that the respondent was earning a sum of Rs.8777/- and after deduction the net salary of the respondent was Rs.8279/- per month.

It is a settled legal proposition that the wife is entitled to such an amount towards the interim maintenance which can provide the same status or at least the status nearing the status of her husband. It has not been denied by the respondent that the

mother of the respondent is getting a monthly pension of about Rs.8,000/- p.m. therefore, she is not dependent upon the respondent. The award of Rs.1500/- per month towards maintenance by taking into consideration the monthly salary of Rs.8279/- of the respondent is quite on the lower side especially looking into the present day cost of living. Thus the said sum of Rs.1500/- would be totally inadequate even to fulfill the basic needs of the life.

In the light of the above discussion, I enhance the monthly maintenance from Rs.1500/- to Rs.3000/- per month. The same shall be paid by the respondent from the date of the filing of the application till actual payment. The monthly maintenance shall be paid continuously by the respondent on or before the 10th day of each English calender month till the final disposal of the petition filed by the respondent seeking divorce under Section 13 (1) (i-a) of the Hindu Marriage Act.

With these directions appeal stands disposed of.

KAILASH GAMBHIR, J.

December 10, 2007
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